THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: February 11, 2020

Subject: Public hearing to permanently close an unopened right-of-way between Midway Drive and Willis Way.

Staff Resource(s): Greg Shuler, Public Works Director , Chad Bandy, Streets Division Manager

Action Requested: Adoption of a resolution to permanently close an unopened right-of-way between Midway Drive and Willis Way.

Background:

- N. C. Gen. Stat.Sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Ted and Jessica Leaven have requested the closure and own both adjacent properties, 65 Ramoth Road and Midway Drive, PIN #s 7649-48-1087 and 9646-48-2076.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for our Future*. The alley is between two parcels owned by the same owner. The owner is wanting to combine the two parcels into one. Part of the attached deck is in the right-of-way.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the unopened right-of-way by unanimous vote

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable, high density infill growth that makes efficient use of existing resources

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Suggested Motion:

- Motion to adopt a resolution to permanently close an unopened right-of-way between Midway Drive and Willis Way.

Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
Ramoth Rd

N



Legend

- Local Interstate Highways
- Local US Highways
- Local NC Highway
- Local Highway Ramps
- Local Blue Ridge Parkway
- NC Interstate Highways
- Streets
- Proposed Closure Area
- Parcels

2019 Orthoimagery



RESOLUTION NO. 20-_____

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right-of-way between Midway Drive and Willis Way; and

WHEREAS, City Council on the 14th day of January, 2020, adopted a Resolution of Intent to permanently close an unopened right-of-way between Midway Drive and Willis Way, and ordering a public hearing on the question of the closing for the 11th day of February, 2020, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right-of-way between Midway Drive and Willis Way; and

WHEREAS, the City Council held a public hearing on the closure on February 11, 2020, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes an unopened right-of-way between Midway Drive and Willis Way, described as follows: Situated in the City of Asheville, County of Buncombe, and State of North Carolina:

> Being known as the lands between Lots 1-A, 1 1⁄2 -A and 2-A of Plat Book 198, Page 164 recorded in the Buncombe County Register of Deeds further bounded and described as Follows:
>
> Beginning at a Rebar with Cap found along the southern margin of the right of way of Midway Drive at the northwest corner of lot 1 1⁄2 - A of the aforementioned plat, said beginning point being North 62015’27” West a distance of 152.92 feet from a magnetic nail set in the asphalt at the east corner of said lot 1 1⁄2 - A;
>
> Thence South 05038’34” West a distance of 103.41 feet with the western margin of lots 1-A and 1 1⁄2 - A of the aforementioned plat to a nail set in a cobble-lined ditch along the northern right of way of Willis Way;
>
> Thence along the northern margin of the right of way of Willis Way South 77041’55” West a

distance of 10.51 feet to a Rebar with Cap found at the southeast corner of lot 2-A of the aforementioned plat;

Thence with the eastern margin of said lot 2-A North 05038’34” East a distance of 110.70 feet to a Rebar with Cap set along the southern margin of the right of way of Midway Drive at the northeast corner of said lot 2-A;

Thence along the southern margin of the right of way of Midway Drive South 62015’37” East a distance of 10.79 feet to the Point of Beginning, containing 1,070 square feet more or less based on a field survey performed September 9, 2019 by Robert Brady of Blackrock Surveying and Land Design, P.C.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved, and adopted this 11th day of February, 2020 .

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney